

Appl. No. 09/805,099
Atty. Docket No. 8244ML\$
Amdt. dated 9/30/2005
Reply to Office Action of 7/1/05
Customer No. 27752

REMARKS

Claims 1-11 and 15-80 are now in the application. Claim 1 has been amended and recites the parameters of Claims 13 and 14 (now cancelled as redundant). Claim 1 has also been amended to recite wrinkle removal. Basis is at page 143, line 8 and Claim 12. Claim 12 has been cancelled as redundant. Claims 19 and 20 now also recite wrinkle removal. Claims 15, 16, 44, 45, 47 and 50 now depend from Claim 1. Claim 72 has been amended to correct a minor transcribing error (substitute – method – for “methods”). It is submitted that all amendments are fully supported, and entry is requested.

Formal Matters

For the record, there are no objections or rejections under 35 USC 112 outstanding.

Lack of Clarity in Office Action

The Office Action of 7/1/05 comprises Form PTO-892, which lists U.S. 5,977,055, Trinh et al., and U.S. 6,495,058, Frankenbach et al., as the documents considered by Examiner Hamlin in making the rejections under 35 USC §§102 and 103 (discussed below).

In making the §§102 and 103 rejections, Examiner Hamlin refers to “Trinh et al. (U.S. 6,495,058)”; see Office Action pages 2 and 3. As noted, Trinh, et al., is, in fact, U.S. 5,977,055.

However, the text of Examiner Hamlin’s rejection under §102 does, in fact, appear to relate to passages cited from Trinh, et al., U.S. 5,977,055.

Moreover, Examiner Hamlin’s rejection under §103 refers back to those §102 issues “set forth in the rejection above.”

Finally, (Office Action page 5), Examiner Hamlin notes that the “remaining references listed on Form(s) 892 and/or 1449 have been reviewed by the examiner and are considered to be cumulative or less material than the prior art references relied upon in the rejection above.”

Presumably, then, all rejections are based on Trinh, et al., which is properly identified as U.S. 5,977,055 on Form 892.

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In an attempt to clarify this matter, Applicants' attorney (undersigned) telephoned the USPTO. The recorded message at (571)272-1317 indicated that Examiner Hamlin is no longer employed by the PTO.

Three subsequent telephone calls to the USPTO failed to elicit any information regarding the name of the new Examiner to whom the application is now assigned.

Accordingly, the following is a *bona fide* effort to respond to former Examiner Hamlin's rejections, given the current state of the file record. In the event the Office disagrees with the foregoing interpretation of the Office Action, a corrected version of the Office Action, with new due date, is respectfully requested.

Rejections Under 35 USC 102

Claims 1-6 and 8-13 stand rejected over "Trinh", for reasons of record at pages 2-3 of the Office Action.

Applicants respectfully traverse all rejections on this basis, to the extent they may apply to the claims as now amended.

Trinh, et al., U.S. 5,977,055, relates to compositions comprising fabric softener actives packaged in association with information that advises the consumer of the disclosed benefits. Various benefits are listed, including anti-wrinkling (col. 6, line 23), and color maintenance is emphasized (col. 6, line 23; Abstract).

However, it is submitted that the anti-wrinkling benefit of Trinh, et al., in no way teaches that wrinkles can be removed from fabrics if the consumer is properly instructed regarding the use of the compositions. As discussed in the present specification, proper education of the consumer is necessary to allow effective and safe use of such compositions. (Page 2, last paragraph.)

Moreover, Trinh et al. teaches that, "the greatest improvement is observed when the fabrics are dried in a conventional automatic tumble dryer." (Col. 6, lines 28-30) In sharp contrast, the present invention employs physical manipulation in the absence of heat.

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Accordingly, since all claims ultimately depend from Claim 1, and since Claim 1 comprises an instructional element nowhere suggested by Trinh, it is submitted that the rejection under §103 must fail. Reconsideration and withdrawal of the rejections on this basis are requested.

In light of the foregoing, early and favorable action on all claims now in the application is requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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In short, since Trinh, et al., does not teach the instructions of the present invention, the lack of this key element obviates the rejections under §102. Withdrawal of the rejections is therefore requested.

Rejections Under 35 USC 103

Claims 7 and 14-80 also stand rejected over "Trinh, et al.," for reasons of record at pages 3-5 of the Office Action.

Applicants respectfully traverse all rejections on this basis, to the extent they may apply to the claims as now amended.

As noted in the discussion under §102, above, nothing in Trinh suggests that wrinkles can be removed if the consumer is properly instructed in regard to product usage – including manipulation of the wrinkled fabric. As discussed, Trinh employs a conventional dryer apparatus which, conventionally, employs heat.

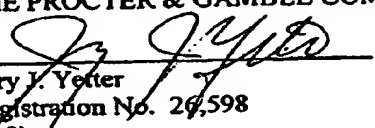
Accordingly, since all claims ultimately depend from Claim 1, and since Claim 1 comprises an instructional element nowhere suggested by Trinh, it is submitted that the rejection under §103 must fail. Reconsideration and withdrawal of the rejections on this basis are requested.

In light of the foregoing, early and favorable action on all claims now in the application is requested.

Respectfully submitted,

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Date: September 30, 2005
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